

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF Belmont Community Media Center, Inc.**

Belmont Community Media Center, Inc (BMC) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. We are strongly opposed to any conclusions in the FNPRM that would alter or negate terms in the agreements we negotiated with our local cable network providers, that would define cable-related in-kind contributions as franchise fees, or state that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

The Town of Belmont has approximately 26,000 residents and 10,000 households. Verizon and Comcast provide cable-related services to the community and the Town has franchise agreements with both operators that are in place until 2022 and 2024, respectively.

BMC has served as Belmont’s official PEG access TV provider since its founding in 2005 as a 501c3 non-profit organization. Since then BMC has provided local programming, training classes, equipment and transmission facilities in operating three local access channels to serve the ever-increasing communications needs of the public, local groups, and organizations, the public school system and local government.

Today, BMC provides a wide variety of services, technical support, state of the art educational media resources and in-school and after school curriculum, live and recorded TV coverage of hundreds of hours of public meetings every year, documentation of town history and culture, and serves as a neutral forum for public debate and civic engagement and literacy.

Funding for BMC, like most other community media centers in Massachusetts, comes from the license agreements between the town and the cable operators. Working closely with our Cable TV Advisory Committee & the Board of Selectmen, BMC played a critical role in ascertaining community needs which led to successfully negotiating of 5% of all cable revenue that is directed to BMC, so that we can continue to provide services at either nominal fees or for free to Belmont residents, public schools and local government.

Our cable operators pass through both the franchise fees and capital payments to Belmont customers, whose bills include line items called "Franchise Fees" and "PEG Fees."

We are concerned that the proposed action at the Federal Communications Commission regarding "in-kind offset" contributions could severely decrease, if not eliminate, that funding. Throughout our initial agreements and renewals with Verizon and Comcast, franchise fees have always been understood to include monetary funding, not "in-kind contributions." Our agreements with both Comcast and Verizon are based on that legal agreement and understanding. A decrease in funding from franchise fees would lead to a decrease in local content currently available to our residents, less opportunity to engage our community in training and programming events.

BMC supports the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The same reasoning should be applied to other cable-related contributions the Commission tentatively concludes are franchise fees. Franchise obligations such as PEG channels and local customer service obligations are more

appropriately considered community benefits, not contributions to LFAs, and, like build-out obligations, should not be considered franchise fees.

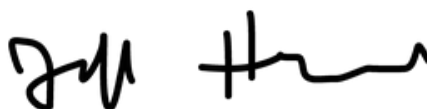
For example, Belmont's franchise agreements require the cable operators to provide monthly basic service to town buildings and schools at no charge. These "drops" are used to verify signal quality to subscribers.

Furthermore, with the unknown impacts to public safety and livability issues related to deploying wireless facilities or other non-cable facilities, we feel it is premature to grant blanket permissions to cable operators, or any other future providers, without local government oversight or involvement. It is also important to maintain a level playing field among providers of similar services, and this ruling would preclude applying the same regulations to cable operators as are applied to non-cable operators that provide competing services.

Because of the implications of reduced funding for our PEG services with undefined "in-kind" contributions that are, in our view, needed to transmit and verify quality programming signals, and the elimination of local control of public right-of-way use by companies offering non-cable related services, we strongly oppose the proposed rules in the FNPRM.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JH' followed by a stylized flourish.

Jeffrey Hansell  
Executive Director  
Belmont Community Media Center, Inc.

9 Lexington St  
Belmont, MA 02478

11/14/18